Fire Alarm in Asia *The Editors*

THE NEW REPUBLIC

July 4, 1964, 35 cents

On Being One-Up

The Middle Class vs. the Poor

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T.R.B. *from Washington*

GOP and Civil Rights

★ If the GOP nominates Goldwater a fortnight hence, as seems likely, the juiciest 1964 political tidbit will be civil rights. Politicians have come up with ingenious devices for bamboozling voters. Neatest trick was the Whig party's in 1848 which wrote no platform at all. What better way to avoid sectional discord than simply to take no stand on anything, particularly slavery? We commend the idea to Representative Melvin Laird, chairman of the GOP platform committee this year.

Masterly obfuscation is another genteel approach. This was used for the League of Nations plank in 1920 in providing the sainted Harding with a vehicle on which he could face both ways. Students of the written word will be excited by the simple purity of its calculated confusion. It should be a model for generations of English teachers. Colonel George Harvey was the modern-day Shakespeare who composed it. It opposed Wilson's League as "intolerable" but on the other hand committed the party to "an international association." Nothing better illustrates the eagerness of well-informed people to deceive themselves than the subsequent statement of 32 prominent Republicans (Hughes, Taft, Root, Hoover, Butler and A. Lawrence Lowell included) that a vote for Harding was a vote for an "effective League."

What Mr. Laird must never, never do is to follow Democratic example. There was that Fulton Market Irishman Al Smith who, when his party wrote a mealy-mouthed plank on Prohibition, simply repudiated it. Then there was the rowdy Democratic platform fight over civil rights at the 1948 convention at Philadelphia. Hubert Humphrey got an intransigent plank inserted in the platform after two roll-call votes that actually said the Constitution applied to Negroes. Naturally Mississippi and half the Alabama delegation bolted. Cocky little Truman won, but how much better he might have done if he had just played hypocrite.

Out of ripe experience the GOP convention is approaching its 1964 task. As of this writing, the faceless delegates apparently plan to write a strong civil rights plank; at least Mr. Laird so promises. Then they will nominate Goldwater, who disbelieves in the civil rights bill. They will support the constitution, and then nominate a man who says he believes the civil rights bill is unconstitutional. Will this be inconsistent? Of course not! You can put a fox to guard the chicken yard if you first fully explain to the fox that the chickens must be protected. Barry's heart genuinely bleeds for the colored race, too; he hates discrimination.

Barry explained to a N. Y. *Herald-Tribune* reporter last week that he would be able and willing to enforce civil rights vigorously if he became President. How so? "When you take an oath of office to enforce the law that's just what you do," he explained.

What a satisfactory arrangement, Dr. Pangloss! Win the South with an anti-civil rights candidate, and simultaneously win the North by a pledge of vigorous enforcement.

To be more serious about it, all the facts at present seem against Scranton, and yet we just can't down an intuitive hunch that the battle isn't over yet. If so, we suspect it will come in the convention, a fortnight hence, on this self-same civil rights plank.

The art of the underdog at a convention is to raise some issue that will transcend his own minority position and embrace a majority, thus isolating the front runner. Tom Dewey did this skillfully for Ike in 1952, when he put together a coalition to refuse seats to contested pro-Taft Southern delegates. Of course Taft nominally had more delegates than Ike, but he slipped after this maneuver.

There are no contested delegates now, and there is harmony, too, over the convention officers, whose choice often precipitates a battle. We can't see any point of attack for Scranton except on the platform, and particularly the civil rights plank. It might be just possible to fracture the bland Goldwater façade here. It seems clear to us that if Goldwater doesn't get it on the first two ballots (probably the first) his group will come apart.

Canadian Example

★ Mr. Justice Emmett Hall of the Supreme Court of Canada, acting as head of a commission that has investigated the matter for nearly three years, has just recommended in a 914-page report a comprehensive national medicare plan for all Canadians – to cover the barber and the industrialist. Canada can afford it, he says. The cost? $4.481 billion annually.

Now this is real war on poverty! President Johnson deserves credit for fixing attention on America's underprivileged two-fifths, but his "war" is a cozy little skirmish costing only an additional $500 million a year.

Canada 10 years ago quietly started the family allowance (baby bonus) system, and would not give it up now for anything. Polls show 90 percent favor it, and all parties. Any citizen of the US is ignorant who does not know about this Canadian method of cherishing children, equalizing incomes and underpinning the economy. Every family in the country with children gets modest but steady national assistance irrespective of income. It costs about $550 million a year. Why should the Canadian children have protection denied children in wealthy USA? Has it bankrupted Canada? No, it is a healthier and wealthier place. The US has approximately 10 times as many children as Canada so the cost here, theoretically would be about five-and-one-half billion dollars a year.

Now comes the new proposal in Canada. The Hall Commission opposes state medicine. It wants freedom of choice for patient and for physician. They have that in Britain. It would finance it all by taxes. There would be virtually free drugs; also dental and eye care for all children under 18. The UK and most of the advanced nations of Europe have programs like this already. In short, it is what every civilized country automatically adopts if it can afford it. And TRB is as certain as he is of anything that 20 years hence you will see it in the US.

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Fire Alarm in Asia

Ambassador Lodge has transferred himself to the Scranton irregulars, and as evidence of the earnestness of our commitment in Southeast Asia, the President has replaced him with the Chairman of the Joint Chiefs of Staff, General Taylor. The Deputy Under-Secretary of State for Political Affairs, U. Alexis Johnson, will join the General as Deputy Ambassador to South Vietnam. We mean business. "We are a people of peace," the President said last week, "but not of weakness or timidity." Desist or be punished: that is the warning bell Mr. Johnson, Admiral Felt and Secretary Rusk have all been clanging. Our allies, however, seem determined to pay us the compliment of disbelieving that we really would set off a three-alarm fire in Southeast Asia. They persist in suspecting that threats to do so are largely bluff. And so, we believe, they are.

If, by some miscalculation, the bluff is called, the President will have to decide between ignominious retreat or all-out war. Whether it is called or not, the awkwardness of our position is not diminished. The pledge to stay and fight has been made so strongly that to pack up our bags and go home now would have damaging repercussions throughout all of Asia. On the other hand, extending the war, whether into North Vietnam or Laos, would have no sanction under any international agreement and would invite an escalation of the conflict to unimaginable heights.

We are in Southeast Asia to save it from Communism. That is gospel. And yet we know that both South Vietnam and Laos are politically unstable to a degree that Communist military presence or proximity does not wholly account for. It was not the Communists who overthrew and killed Ngo Dinh Diem last year, or who today threaten the ascendancy of his successor in Saigon, General Nguyen Khanh. In Laos, who remembers Tiao Somsanith? Four years ago he formed a pro-Western, anti-Communist government which, after four months, was thrown out by Kong Le, a man then suspected by US Intelligence, but who now appeals to the West to go all out against the Communists. We have learned that the Laotians are lukewarm fighters, except for the Pathet Lao. We have seen that the Vietnamese, too, are less than ardent warriors, except for the guerrillas of the National Liberation front – the Viet Cong. It is indisputable that Hanoi, egged on by Peking, has ignored the Geneva accords of 1954 and reinforced both the Pathet Lao and the Viet Cong with trained men and some modern arms. It is equally true that the US has responded

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by giving 10 times as much aid to the Laotian and South Vietnamese anti-Communist military forces. Even without that US help, these forces far outnumber, and today always outgun, the Communists. The US has at least 14,000 of its military in South Vietnam, though according to the Geneva Agreement, whose spirit we invoke but which the US never signed, there ought to be only a few hundred. The outnumbered and outgunned Communists in both countries nevertheless hold their own, or manage to advance. They infiltrate the capitals of both countries with masses of trained observers, and it is reported that for every two pieces of armament that Peking or Hanoi manage to smuggle to them along jungle trails, the rebels take five off the foe and these five are superior weapons, being American. It is we who have been and are helping most to arm the Communists. Obviously, something is wrong here that cannot be accounted for by the talents of our Ambassador in Saigon, or by Chinese aggressiveness, or by any alleged US irresolution.

Only last year, Secretary McNamara was saying that while we are willing to help those who help themselves, there are limits beyond which we should not go to help people who can't or won't defend themselves. Last week, Pentagon sources were broadly hinting that there will be no limit to support for the entire region, with the possible exception of Cambodia, a country that has managed to stay at peace and whose Prince has brazenly renounced US help as a hindrance. There is no real clue to the form this unlimited help will take, or how it might turn the tide of battle. There are vague references to 200,000 American soldiers available in Asia, if needed. How would they be used? Against whom? Where? With what support from Asians themselves? The President has been purposely ambiguous. It was King Lear, who, in his tormented wrath, exclaimed he would do "such things – What they are, yet I know not."

Nor do our allies know what they are; and perhaps they would rather not. The US focuses on Communist guerrillas in Vietnam and Laos; the British have their eye on the Indonesian ones active in Borneo. The British Foreign Secretary, Mr. Butler, tells the House of Commons rather dryly that, because of this, Britain can offer its American friends little assistance, though he wishes us every success. That is irritating, for the Administration is so sure that Vietnam is *their* crisis too. Solemn parallels are drawn between Southeast Asia, and what happened in the fall of 1962 in Cuba and in West Berlin in 1948. It is suggested than any Western country which increases its trade with China – as Britain, France and Germany all openly want to do – thereby contributes to the demoralization of the non-Communists of Asia and thus to a take-over of the entire region by Peking. The allies demur at this, for most of them are not convinced that the isolation of Peking is the most sensible way to curb any potential Chinese aggressiveness. They suspect also that parallels with the emplacement of Soviet missiles in Cuba or the blockade of Berlin are overdrawn. They could remind us, if they chose, that under the Geneva Declaration of 1954 "the military demarcation line should not . . . be interpreted as a political or territorial boundary"; and that if we are in Vietnam to repel aggression, it might be advisable to bring our case before the United Nations, which is charged with considering threats to world peace.

The reaction of Ho Chi Minh, the North Vietnamese Communist leader, to the clanging of bells in Washington is even less encouraging. Two months ago, he compared the Americans in Vietnam to a fox "who has already got his two hind legs caught in a trap, but by still trying to jump around is doing his best to get his front legs caught as well." As for pushing the war north, he remarked: "To put forth such a plan is one thing, but to carry it out is quite another. Perhaps Nguyen Khanh and his US patrols should be more modest in their adventurous plans. How can they talk about marching to the north when they cannot even control areas in the immediate vicinity of Saigon? This is sheer stupidity." Perhaps Ho Chi Minh is bluffing; perhaps he is terrified. Perhaps not. It would seem reasonable for him to figure that a still larger participation by the American military will bring more Vietnamese to his side, against the alien whites. Reputable and experienced American correspondents say that many Vietnamese already believe that the Americans have simply replaced the French whom Ho Chi Minh drove out after a decade of fighting.

China, it is true, is in no position to wage a war with the United States. For the moment, that is a blue chip on our table – something not to be cashed imprudently, but an asset nonetheless. Peking has had grave domestic difficulties and cannot depend on Soviet help. Nevertheless, a US thrust toward Hanoi would give China little choice but to throw some counterweight to the side of North Vietnam, and Soviet chidings of Peking have recently been phrased in a way that should command Western attention. The Russians are saying that China should not count on Soviet aid in an emergency so long as Peking heaps abuse on Moscow. Mao Tse Tung could embarrass Khrushchev by simply turning off the tap of dialectical vituperation. The US is by no means yet completely free of the risk of war with both China and Russia at the same time. Short of that, fighting a China that was kept supplied by a barely non-belligerent Russia would put the world well on the road to World War III.

Such considerations as these compel observers to conclude that the loud noises from Washington are a

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prelude not to "another Korea" but to "negotiation from strength," perhaps after the November elections; a third international conference on Southeast Asia is probably in the offing. Ten years ago, after the first conference, it was prophesied by some that the Communists would take over the region sooner rather than later. In fact, considerable time was bought at Geneva, even though much of it has been wasted. The tasks of Saigon, and of Vientiane, were to hold off the Communists in a military sense, but more important, to get on top in the civil war by gaining the confidence of the mass of people, so that the Communists, outnumbered and outgunned, would be stripped of their appeal as national liberators. Saigon and Vientiane failed at both tasks, in spite of massive American aid.

A further installment of time can still be bought. Communist advances can probably be delayed a while longer, because the Pathet Lao are not yet strong enough to enter Vientiane and set up a government for all Laos, and the Viet Cong have not got near the point where they could compel the surrender of General Khanh's armies in open battle. Moreover, none of the three Laotian factions is fond of fighting and the Pathet Lao leader, Prince Souphanouvong, is the half-brother of the "neutralist" Premier of Laos while the third leader, General Kong Le, has been first on one side and then the other. There are very few if any Chinese in North Vietnam, which a thousand years ago threw off the Chinese yoke it had worn for the previous thousand years; and if Southeast Asia is the Asian Balkans, Ho Chi Minh or his successor could be an Asian Tito. The Russians would rather not see Communists who are pro-Peking score more victories in Southeast Asia, and although the Russians have lost their influence over Hanoi and over the Pathet Lao, they undoubtedly will strive to regain it.

All these forces at work suggest there remains room for skillful maneuver and diplomacy. Patience, cunning and a respect for the complexities of the situation are the qualities in demand. Even a "successful" conference on Southeast Asia would only buy another breathing space. It is too late to "win" these civil wars in Southeast Asia; but it may still be possible to calm them down and to introduce a relative stability with which we and the Asians can live.

Mississippi

As this issue of *The New Republic* went to press it was not known whether the three civil rights workers who disappeared in Mississippi on June 21 had been murdered. The presumption seemed reasonable. If they are dead, they are not the first nor are they likely to be the last to die for this cause in this state.White residents of the small Mississippi town of Philadelphia talk of "slitting throats" and "shooting 'em down in the streets." Such violence is not confined to "extremists"; it is practiced by elected and appointed officials, particularly police officials. Spontaneous police attacks on "agitators," black and white, as well as "uppity" Negroes, followed in many cases by arrests on fraudulent charges, more beatings while awaiting arraignment (often by other prisoners, egged on by jailers), trials and conviction based on perjured evidence or no evidence – all this has become almost a matter of course. It is no exaggeration to say that law and order, taken for granted by most people in most of white America, has ceased to have meaning for those who live in Mississippi and do not accept the extreme segregationist position. The supreme law of Mississippi is not what was written by the founding fathers in the constitution or by the US Congress in federal statutes, or even by the legislators of Mississippi; it is what local cops and local vigilantes ordain. It is gang law, the law of fear – fear of shots in the dark, of arrest on some unpredictable charge, of a job lost or a mortgage foreclosed. Those who have come to know this fear firsthand feel that in many respects Mississippi is comparable to Germany in the 1930's.

Any civil rights worker who challenges the armed and angry power of the segregationists risks death. The nearly 1,000 volunteers who have been recruited by the Student Non-Violent Coordinating Committee, CORE and other civil rights groups for the "Mississippi Summer Project" may have only dimly understood this when they first volunteered to go South, but they all understood it after their week of "orientation" in Oxford, Ohio. Nearly all of them decided the risk was worth taking. They have asked for federal protection in their work, on the ground that they are trying to register voters, and that the Civil Rights Act of 1957 makes it a federal crime to "intimidate, threaten or coerce" (much less murder) either registration workers or would-be voters.

The Justice Department insists that the FBI cannot act as a federal police force, determining on the spot and in each instance when a federal crime is or is not being committed. The SNCC leaders reply that the FBI does have legal authority to protect persons who are clearly in danger of interference or physical attack (which would include anyone working on civil rights in Mississippi), for under the law, an FBI agent can make arrests, with or without a warrant, when he has "reasonable ground to believe" that a violation of federal law is taking place. SNCC leaders believe the Justice Department would order the FBI to begin arresting Mississippians who were harassing voter registration efforts, if public opinion were to demand it. In order to generate this kind of public pressure, SNCC and

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other groups recruited the well-connected, well-educated white Northerners who are now entering Mississippi for the summer, to share the risks which the predominantly poor and black SNCC workers have so long been taking.

Doubling or tripling the number of FBI agents in Mississippi under present circumstances is of course necessary, so that the federal power can be a keenly felt – hopefully deterrent – presence around the civil rights workers. However, nowhere, not even in Mississippi, is it desirable that FBI agents be instructed to make an arrest unless the essential elements of a federal offense are clearly before them. The federal courts would not tolerate arrests made under any other conditions. It is a federal offense to interfere with the right to cast a federal ballot, but more is needed to make it one than the fact that the SNCC worker says he is in Mississippi for the ultimate purpose of helping Negroes register to vote. It is no federal offense to arrest a person on a speeding or loitering charge and treat him somewhat roughly, unless the charge is plainly spurious and unless in fact a federal right is being denied. In much of Mississippi it is open season on civil rights workers, yet the notoriety of general conditions is no basis for individual arrests. It can ultimately become – as in Alabama in 1961 and in Mississippi itself in 1962 – the basis for the dispatch of a force of federal marshals or troops, or both, to protect the rights of American citizens to move freely into and out of Mississippi or the right of other citizens to prepare themselves for the exercise of their federal franchise. It is likely to come to that in Mississippi, we believe, either this summer, or when schools open in the fall. But the President is required first to try to determine whether the Governor of Mississippi is willing and able to insure the safety of the state's Negroes and their supporters and friends.

Mr. Allen Dulles need not have said much to indicate to the Governor of Mississippi and to everyone in the state what the true alternative is if the Governor cannot provide that safety. Political year or no, and distasteful as it may be, and ought to be, the next step may be federal force. It is a step that is both legal and effective. The President's choice of a substantial detachment of the Navy to join in the search can certainly be read as an additional signal of his ultimate readiness to use force.

Eclipse

Polluted Water

This journal has gone after the US Public Health Service for its timidity in administering the government's water pollution control program. It thwarts the lawyers in its enforcement section, who are charged with responsibility for bringing pressure to bear on states to stop them from pouring filth into interstate waterways. The lawyers first must clear with the PHS any action they plan to take and the PHS drags its feet in giving approval; it would rather "advise" the states, that is, to provide them with the findings of federal research and let them take whatever action they deem sufficient. This becomes a joke. Having been apprised of the results of one government study, the state concerned will say that it is very interesting indeed and obviously indicates the need for even more penetrating study. And so it goes; little gets done. At this moment, there are some 90 waterways in the country which are potential federal cases.

Last year Senator Muskie sponsored a bill to remove the enforcement section from the purview of the PHS and make it the direct responsibility of an assistant secretary. The Senate passed the measure by a wide margin, but for the past eight months it has been stuck in the House Public Works Committee. If this bill is ever going to see the light of day, Representative John Blatnik, who is in charge of it, will have to move fast. The bill's chances received a boost last week when President Johnson placed it on his priority list for Congressional action.

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Bobby Baker Blossoms

by Murray Kempton

Bobby Baker fell from grace as Secretary to the Majority of the Senate of the United States mostly because he owned about a quarter of the stock in the Serv-U corporation, a vending machine operation with an infinite capacity for getting itself granted franchises from defense contractors. Mr. Baker now seems to own it nearly entire. Serv-U's vending contract for the California plants of North American Aviation and Northrop may be a public scandal; but it endures, bringing a profit of $44,000 a month at least 84 percent of which, as of today, goes to Bobby Baker and his creditors.

The increase in Baker's fortunes was first reported to the Congress by H. R. Gross, an Iowa Republican. Gross claimed that Baker now owns 97 percent of Serv-U. *The New York Times* fixed his holdings at 84 percent. The Senate Rules Committee, the official agency for the study and description of Bobby Baker's business, had, of course, no figure to suggest. Still, the Senate's eight months of anxious meditation upon the Baker affair has produced an important moral lesson. That is: If a young man falls among evil companions, he had best choose those who get convicted or in trouble before he does, because then he can buy out their share of the partnership cheap.

Baker's richer partners in Serv-U were Fred Black, Jr., North American's Washington representative; Edward Levinson, of Las Vegas, the owner of a gambling casino; and Benjamin Sigelbaum, of Miami, a friend and investing associate of Levinson's. When the Baker scandal assumed epic proportions last winter, the Justice Department and the Internal Revenue Service fell upon Levinson, and, Levinson charges, began tapping his office telephone. Bobby Baker claims "the executive branch" tapped his telephone too but, if so, the job was done with finesse. Levinson instead was bugged with a lack of care so contemptuous that he caught his surveyors almost at once. After that, he and Sigelbaum were glad to sell their 13.5 percent shares to Baker and return to a peace unclouded by associates any more notorious than each other.

North American's Fred Black, owner of 28.5 percent of Serv-U's stock, was convicted in June of dodging $91,000 in income taxes; thereupon, the Fidelity National Bank of Oklahoma foreclosed on a $65,000 loan which Black had secured with his Serv-U stock. Black asked Fidelity National to auction the stock on the open market since it was clearly worth more than $65,000 – the profit income for his share is slightly over $12,000 a month – but Fidelity National handed it over to Baker, presumably for the face value of Black's loan. Fidelity National is the family bank of the late Senator Robert E. Kerr, who said once that he would do as much for Bobby Baker as he would for anyone except his own son.

This seemed hardly fair to Fred Black, to whom Serv-U must owe all its prosperity. Black, after all, was granted his option to buy stock in Serv-U before the company so much as owned a vending machine. "They found out that I could introduce them to North American," Black said, "and I guess they wanted me in."

That seems to be the single suggestion by any witness that Black might have the slightest influence on anyone in the 1899 pages of testimony compiled by the Rules Committee on the Baker case. The Committee has closed its hearings and is preparing to write a report, a delicate process because its General Counsel, two associate counsels and four investigators have found out nothing more substantial than what Senator Williams of Delaware, after a month's work by himself and without subpoena power, was able then to hand over to the Committee in November. The Republicans wanted to keep the business going in hopes that something new might turn up to the detriment of Lyndon B. Johnson, Baker's former patron; the Democrats closed it off on the grounds that nothing new could possibly turn up. That may or may not have been their real reason, but it is certainly a persuasive one on the record of these hearings.

The Baker investigation has been a remarkably unproductive contribution to the Senate's conscience or the public's knowledge. The Rules Committee will certainly find that Bobby Baker did whatever it was he did without violating a single law; in justice it can do nothing else.

It will be said by the moralists that this botch was inevitable because the Senate cannot investigate itself. That complaint misses the point. The Senate was not investigating itself. It was instead investigating its employees, and a few Washington lobbyists; in other words those persons who know the Senate best and who appear to hold it in entire scorn.

Private Americans have a respect for the Senate of which government wards like Congressional staff members and defense lobbyists are entirely incapable. We can cite Benjamin Sigelbaum, friend of the gambler Levinson, as an instance of the propriety the Senate

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can expect from ordinary citizens even of the least respectable sort. First, Sigelbaum gave the Committee's investigators a deposition on his relations with Baker and Serv-U. It reeked the affectation of innocence; later Sigelbaum seems to have thought this posture too adventurous to sustain and, when the Committee called him, fell back on the Fifth Amendment. But his demeanor and Levinson's were, in every case, eminently deferential. Professional gamblers have too much respect for the Senate either to talk to or argue with its members.

But the Washington witnesses were contemptuous in every sense of that word but the legal one. For example, the Rules Committee called William McLeod, former clerk of the House District Committee, to ask him whether he had taken a $1,500 fee from an insurance man for steering him to a policy on a government contract.

"It was a gift," McLeod explained.

"It is a pretty good-sized one, is it not?" Senator Curtis of Nebraska asked.

"Well, maybe you call it pretty good-sized," McLeod answered. "But in this town, I do not know."

"I told you," he went on, "I pled with the man not to give it to me. He insisted. He says 'If you do not take it, I am going to give you something maybe you will not want anyway.' So I agreed to it."

Throughout, McLeod retains the mien of a Congressional senior clerk accustomed to talk to Congressmen as he would to junior clerks.

To take another example, it might have been thought that Fred Black's income tax indictment would shrink him to the demeanor of an ordinary miscreant; he seems instead to have been a walking flame of contumely. After his handsome concession that Baker had let him have 1,500 shares of Serv-U at $1 apiece in the expectation that he would get its machines into North American, Black was asked by Committee Counsel Lennox McClendon:

"That is what some people would call peddling influence, wouldn't they?"

"I wouldn't," Black answered.

"Well, I'm not calling it that either," McClendon amended.

"Thank you," Black said.

The Rules Committee could not suggest even so gingerly that, if Baker might hope to hire Black to influence North American, North American might have hired Black to influence Baker among other figures in the procurement branches of the government.

Fred Black, before his conviction, was North American's Washington consultant. John L. Atwood, its president, offered the Rules Committee this description of Black's functions: "An astute and reliable observer of the affairs that take place in Washington. He has, for instance, given us his judgment as to the nature of various general budgetary matters, of military increases or reductions. His predictions are not always right. . . . He advises us as to trends in civil rights legislation. While we have been a leader in anti-discrimination, we have been able to take additional steps in consonance with the general outlook for laws and emphasis of various kinds. . . . I have had a great deal of confidence in him."

Black's fee for these prodigies appears to be a military secret which the Rules Committee forebore to press; it is commonly reported as upwards of $100,000 a year. Black explained that he had gathered his information for North American "mostly from publications or from just lisening to people talk."

Another defense contractor, Ernest Bostick, president of Melpar, pays or used to pay Black $25,000 a year: "Mr. Black keeps his ear to the wind. On the Skybolt, where we hoped to get quite a bit of business, we spent a lot of money. Mr. Black told me one day, he said, 'I don't think this program is going to go.' He might have gotten it from the *Wall Street Journal*, but he got it. We just stopped our work on the Skybolt."

Bostick described Black as "a brilliant man; he is a gentleman." Atwood reaffirmed North American's confidence in him, even though last fall, a vice president of North American asked Black, as a gentleman, whether he had any interest in Serv-U and Black, as a gentleman, replied, "No; of course I do not own any stock in Serv-U."

Bostick of Melpar said he was glad "to own a piece" of Black, just for the brilliance of his mind, but that it would be foolish to think that any company would get anywhere in the defense industry by asking anyone in Washington for a favor. "All I know is that it is blood, sweat and tears to get these contracts." He had been glad to let Bobby Baker in on Melpar's vending contract, because Baker was "a warm human being." Yes, he said candidly, he *had* tried to influence Baker about legislation, but only in the interest of kindness to animals: "As I recall, I took Mr. Fred Meyers, executive secretary of the Humane Society of the United States, [to Baker's office] to introduce him . . . [and] Miss Helen Jones, executive secretary to the National Catholic Society for Animal Welfare . . . relating to the Randall Bill, which is a bill for the humane treatment of research animals. . . ."

No one thought of leaning across the hearing table and asking Mr. Bostick of Melpar – this creature and ward of the government of the United States – just how he served the taxpayers by paying Fred Black $25,000 a year maybe to read the *Wall Street Journal*. Bostick just sat there, his dumb friends the dogs in his heart, and his face innocent before his dumb friends the Senators. He was the epitome of the six months in which Bobby Baker came up with just about everything and the Senate Rules Committee with just about nothing.

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Debate On Birth Control

The Vatican's Alfredo Cardinal Ottaviani has called for a moratorium in the public controversy over the morality of oral contraceptives. The conservative Secretary of the Congregation of the Holy Office says "it is not pleasing to the Holy See that one or another local authority express doctrinal concepts on debated questions, which rather require central direction, since . . . in these matters it is necessary to preserve unity of thought and expression." His warning was addressed specifically to the recent statement of Belgium's Leo Cardinal Suenens that science is close to perfecting a family planning pill which the Church will be able to accept. But his caution was also aimed at widespread speculation that Rome may soon change its basic teachings on birth control.

Many Catholics are already in revolt against these teachings. A national survey has disclosed that 30 percent of Catholic couples in tthe US use contraceptive techniques condemned by the Vatican, and many others are submitting only grudgingly to its discipline. The old Natural Law arguments are being challenged by such eminent Catholic theologians as Canon Louis Janssens of the University of Louvain who argues that the oral contraceptives are just as justifiable morally as the rhythm method which the Church endorses.

Catholic intellectuals in this country are hostile. Daniel Callahan, Associate Editor of *The Commonweal*, for example, has publicly attacked the Jesuit theologians John C. Ford and Gerald Kelly who attempt to steer a middle course between the conservatives and liberals in their *Contemporary Moral Theology: Marriage Questions* (Newman Press, 1963). Although they recognize conjugal love as a legitimate end of marriage, not just a necessary evil to be tolerated only in the act of procreation as St. Augustine claimed, Fathers Ford and Kelly also resolutely reject contraception. "The Church is so completely committed to the doctrine that contraception is intrinsically and gravely immoral," they write, "that no substantial change in this teaching is possible. It is irrevocable."

Callahan charges that their treatise fails to deal forthrightly with the pressing needs of modern Christian marriage which recognizes the personal values as well as biological necessity of conjugal love and which emphasizes the adequate education of children rather than just their conception. He suggests that the restraint of the two moralists is prompted by fear that any substantial change in Catholic teaching "would have disastrous consequences for the Church's claim to teach with authority." But he counters that "no theologian today can be expected to be understood if he continues to argue that the primacy of the species takes precedence over the personal good of individuals," and "if he says that one must accept a doctrine or a law on the basis of authority alone."

The US hierarchy is sensitive to the hardships which couples must often endure to comply with the Church's decree. Msgr. George W. Casey, Pastor of a parish in Lexington, Mass., and a columnist for *The Boston Pilot*, recently wrote that "the inexorability of the law and the implacability of some experts who expound it seem almost heartless." He was especially stricken by the tragedy of women condemned by nature to deliver defective infants if they become pregnant.

The practical though long-delayed response of the American bishops has been to adopt a more positive attitude toward the value of sex and love in marriage, to urge rather than merely permit intelligent family regulation, and to champion the use of the rhythm method as an alternative to artificial contraception. The Family Life Bureau of the National Catholic Welfare Conference sponsors a nationwide educational program covering everything from teenage petting to family planning.

On another front, the Church is vigorously pressing studies aimed at perfecting the rhythm method, which is anything but foolproof. Georgetown University's new Center for Population Research, for example, is collecting data from thousands of women in an attempt to develop accurate information on averages, or "normal," fertility-infertility cycles. This would not only improve the rhythm technique but, quite possibly, provide guidelines for the use of cycle-regulating drugs. Catholic theologians generally agree that the *temporary* use of such drugs would be morally justified since the purpose would be to regularize cycles in cases where the use of rhythm is otherwise difficult or impossible. Contraception, if it occurred, would then be a secondary result rather than a directly intended primary act. The unsettled question, apart from the fact that a clearly acceptable cycle-regulating drug hasn't yet appeared, is how narrowly or broadly the Church might define a "normal" cycle and what terms it might set for a compound's use.

Indications are that the third session of the Vatican Council, which convenes in September, will fail to resolve the issue in any definitive way. But a draft declaration on family and parenthood, asserts the personal values of conjugal love, rejecting the Augustine tradition, and accepts the proposition that family limitation may be both necessary and good. For the moment, artificial contraception remains formally condemned. The employment of oral contraceptive drugs for the specific purpose of preventing children is forbidden. But the theological debates over other potential uses of drugs in family regulation continue unabated, despite Cardinal Ottaviani.

MICHAEL J. O'NEILL

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Temperature Normal

From a Correspondent in California

The smell of bitter almonds, so pungent during the primary fight between Pierre Salinger and Alan Cranston for the Democratic nomination for the US Senate, is now very, very faint. The loser, Mr. Cranston, is behaving like a gentleman and the good party man he is; he and Mr. Salinger had a friendly lunch in San Francisco, after which Mr. Salinger flew back to Washington with the President, who, during his visit, had made several attempts to patch things up, all of them moderately successful. The progressive and pro-Cranston Council of Democratic Clubs has pledged wholehearted support to Salinger and whole-hearted opposition to a "fair housing initiative" (it means just the opposite) that will be on the ballot in November. Mr. Cranston has been trying to scuttle his $2 million libel suit against Salinger and his campaign manager, filed in the closing days of the campaign.

There is still, of course, feuding; fratricide has been a way of life for California Democrats. The feud between Governor Brown and Jesse Unruh, Speaker of the House, had its genesis in the years when the Democrats were out of power. It broke wide open in 1960 when Pat Brown was persuaded that the Presidential nomination was up for grabs and refused to come out for Kennedy before the Democratic convention. Mr. Unruh, an intelligent, ambitious politician, became the New Frontiersman in California. He was also Mr. Salinger's man in the primary, though Mr. Salinger was not entirely his.

Governor Brown will be chairman of the delegation that goes to Atlantic City, no doubt of that, but Unruh will want to have some say in how the delegation is organized; so will the Clubs, when it comes to platform issues. It is assumed that the Governor's campaign wizard, Don Bradley, will be running Salinger's campaign against Salinger's Republican opponent, ex-movie star George Murphy, but no one knows who will be running the Johnson campaign. The chances are that it won't be someone picked by Unruh.

But the first week of November will find all good Democrats coming to the aid of their party. Two weeks later, it may be different. Talk will turn to the 1966 gubernatorial election. Mr. Unruh has been telling everyone that he will run for Governor if Mr. Brown does not seek a third term, but that he will not compete with him. The Governor takes that assurance with a grain of salt. He has reason to appreciate the depths of Mr. Unruh's desire for power. He has said privately that he has been balked in getting certain bills passed because so many legislators (the Democrats control both Houses by at least two to one) are answerable not to him, but to the Speaker of the House who controls committee appointments and is the conduit for campaign contributions to deserving members.

The real time bomb in all this may prove to be the so-called "fair housing initiative," which the voters will have on their November ballot. It would not only nullify the state's existing fair housing law, the Rumford Act, but would forbid the state or any county, city or town to legislate anti-discrimination rules in housing in future. Most observers now believe that the initiative will be approved. Some Republicans think that Goldwater and Murphy could win the state by supporting the initiative; others think it could wreck their party in the same way the right-to-work issue did in 1958. There are Democrats who think the initiative could pass and still be helpful to them (minority groups would come out to vote against it and for Democratic candidates; other Democrats would come out to vote against it, but still vote for Democratic candidates).

Vice-Presidential Candidates

Why Humphrey Gets Taken for Granted

Men now campaign for the Vice-Presidency in much the same manner that candidates ran for President in the 19th Century. They disclaim any active interest in the office and they make no canvass. But they write careful letters, make foreign tours, encourage their friends to organize in their behalf, give interviews to sympathetic journalists, receive delegations, and keep themselves in constant readiness.

Hubert Humphrey jokes about this discreet jockeying: "Just look at what's happened. The President sent Bobby Kennedy to the Far East. He sent Sargent Shriver to deliver a message to the Pope. Adlai Stevenson got to escort Mrs. Johnson when she went to the theater in New York. So I asked the President, 'Who's going to enroll Lynda Bird in George Washington University? I'll volunteer'."

Although he tries to joke about it, this oblique and old-fashioned approach to office-seeking presents a serious problem for Humphrey. By nature, he finds coyness and pretense not only alien but almost impossible to practice – no matter what his keen mind tells him he should do. Moreover, this business of seeking the Vice-Presidency while seeming not to do so hits him on his weakest front – the matter of style. In more than 15 years in national politics, he has been an astonishing success in matters of substance but he has as often as not flunked questions of style. Perhaps

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no other major politician suffers so great a disparity between the high quality and broad range of his legislative and political accomplishments and the general public's misapprehension of him and his record.

The image is of a glib, clever, somewhat superficial, youngish politician who is long on talking but short on doing, facile with quick solutions but deficient in sober judgment and thoughtfulness. Set forth starkly in this way, this stereotype of Humphrey is self-evidently a grotesque misrepresentation. Yet elements of this caricature in one form or another have entered the public thinking about Humphrey and damaged him.

To trace this stereotype to its origins is to learn once again about the power of words in politics. Humphrey, who is interested in this as in most other aspects of the human comedy, used to point out during his long, running battle with former Agriculture Secretary Ezra Benson that the predominantly urban and Republican press put the farmers at an initial disadvantage in the very terms used to described the controversy. For example, rival price support plans might have made different impressions if, instead of being described as "rigid" (a bad word) and "flexible" (a good word), they had been described as, respectively, "firm" and "soft." In Humphrey's own case, why not "articulate" instead of "garrulous"? Why not versatile and well-informed instead of clever and facile? The basic reason is that when Humphrey, an aggressive, convinced, self-confident battler for social reform and a sophisticated foreign policy, entered the Senate in 1949, the tidal drift toward the conservatism of the 1950's was already underway. Despite Harry Truman's fluke victory in 1948, the liberal impulse was momentarily exhausted. Humphrey as a man with convictions that had a cutting edge, found himself out of harmony with the prevailing mood, fighting against the tide of opinion and events. It is no easy task for a public man to build a national career under such adverse circumstances. Humphrey almost inevitably became the victim of subtle disparagement. From earliest times, societies wishing to rest on the *status quo* have disposed of social critics by reducing them to figures of fun. (Swift wrote *Gulliver's Travels* as a savage indictment of his times and the world turned it into a fairy tale for children.) Humphrey, to his credit, during the difficult years of the '50's committed none of the political mortal sins: cynicism, quietism, opportunism.

By an ironic turn, most liberals have rewarded Humphrey by taking him for granted. Humphrey, without bitterness but with wry awareness of the realities, takes note of this situation by referring to himself as "Old Available."

"The people and the organizations that believe in the things I do know they can count on my vote and that I'll speak to their banquets and help them raise money and so on. Nobody has to woo me. I'm old reliable, available Hubert," he says.

Here we get to the heart of this matter of style. Familiarity, if it does not breed contempt, is at least fatal to a sense of awe. Voters, when they think of a Presidential-sized figure, want a certain emotional distance between him and themselves. They want a touch of mystery, a hint of unexplored depths and unused potential. A certain snobbishness is at work here. That note of aristocratic reserve that has been present in personalities otherwise so dissimilar as Franklin Roosevelt, Adlai Stevenson and John Kennedy has considerable appeal in our status-conscious democracy.

If there is one thing that Hubert Humphrey is not, it is reserved. He has energy enough for two people. He is a warm, outgoing, optimistic extrovert. His is not the hardened *bonhomie* of the professional politician; he is genuinely friendly and open. "I've never met a man I did not like" is usually the attitude of a Rotarian conformist, but in Humphrey's case, his authentic good humor in no way diminishes his zeal. He is that rare man, the happy crusader. But this very quality makes many think him folksy and one-dimensional. In this respect, he resembles Harry Truman. People think they know all there is to know about him. But do they?

Climax of a Long Fight

Consider the issue of civil rights. Humphrey has not only been an able floor leader these past months, shepherding the bill through the wastelands of Southern filibuster and off-the-record negotiations with Everett Dirksen, but he also was responsible for shaping the present bill before it was ever introduced. In conferences with President Kennedy a year ago, he persuaded the late President to strengthen certain important provisions, notably the ban on discrimination in public accommodations. This was partly a matter of conviction, partly one of political tactics. Regarding the latter, he told Kennedy in one of their conferences: "Mr. President, no labor union ever walked into a bargaining session with management by first yielding on half of its demands."

The passage of this year's civil rights law climaxes the long fight Hubert Humphrey began 16 years ago when as a young senatorial candidate, he made his dramatic plea for a strong plank in the platform at Philadelphia in 1948. His plea persuaded the Democratic convention to substitute his language for a much milder draft backed by the Truman Administration.

Medicare is one of the major pending items on the Johnson Administration agenda. How many people realize that the very first bill Humphrey introduced in the Senate in January, 1949 was one to provide

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hospital care for the aged under social security?

The struggle for general federal aid for schools has been going on for a generation. Humphrey has worked tirelessly on numerous bills and tried different approaches, seeking the practical accommodations that would permit breakthroughs on a front where there is so much useless religious and ideological cannonading. Not many persons, even in the press gallery, could name the author of the National Defense Education Act. It was Humphrey who, in the first surge of excitement after the Sputnik, conceived the idea of linking aid to education to the defense effort. The legislation was not ideal, as Humphrey is the first to admit, but it was the only education bill to make its way through the doldrums of the Eisenhower era.

Humphrey's Idea

The Peace Corps is now regarded as one of John F. Kennedy's monuments. Without taking any honor away from the late President or from Sargent Shriver, the almost-unknown fact is that the Corps was Humphrey's idea. He introduced the bill to establish it on June 15, 1960, three months before Mr. Kennedy first took it up in a campaign speech.

Everyone knows that Humphrey actively pushed for the nuclear test ban treaty and got the Senate to ratify it. But few realize the years of patient, dogged, painstakingly detailed work Humphrey has invested in problems of disarmament. He began studying them in the fall of 1955. Early the next year, the Senate passed his resolution to establish the disarmament subcommittee of which he became chairman. His first memorandum to the subcommittee staff said that he wanted to "stop talking in generalities and get to specifics, to go into the most important aspects of the field of disarmament in a responsible, practical way."

In the last half of 1956, he began writing a series of letters to Secretary of State John Foster Dulles asking just what the government was doing in the field of disarmament, and urging politely that more be done. In early 1957, Humphrey put forward the idea, which was then novel, that if there was ever to be a test ban treaty, the US would have to develop a way to detect Soviet explosions with pinpoint accuracy. He held the first congressional hearings on the dangers of nuclear fallout the same year.

As he grew in knowledge and mastery of the technical complexities of disarmament, Humphrey began bombarding the Senate, the Administration, and the public with speeches, hearings, letters, and press releases. Humphrey is the capital's only rival to Lyndon Johnson in the fantastic-energy department. For example, he rallied two-thirds of his Democratic colleagues to hear him make a major speech on disarmament in the Senate on February 4, 1958. He held the floor for more than four hours while 22 other Senators made statements supporting the main themes of his speech. (So many important Senate speeches go unnoticed that it is necessary to organize this kind of a demonstration in order to get public attention.) This effort put disarmament on the nation's front pages and drew the largest favorable mail that Humphrey has received in his 16 years in the Senate. He kept it up. During Easter Week, 1958, he took the floor every day to talk about a nuclear test ban.

In 1959, he kept the issue alive by getting the Senate to pass a resolution in favor of "an international agreement for the suspension of nuclear weapons tests." In 1960, he introduced a bill to create a National Peace Agency which in slightly revised form passed the following year and established the Arms Control and Disarmament Agency. He held hearings, visited Geneva to sit in on the negotiations, and kept urging action until the treaty was finally signed in the summer of 1963. Men have won the Nobel Peace Prize for less.

Humphrey is popular in the Senate and in his Party. Although he has had his share of frustrations and disappointments, recriminations are not his style. After their bruising primary struggles, he and President Kennedy worked harmoniously together. When Lyndon Johnson was in the Senate and trying to build bridges to the northern and western liberals, he instinctively turned to Humphrey, a natural politician like himself. Humphrey has frequently stepped aside, to let other Senators share the credit or because he realistically concluded they could carry a bill to success better than he could. For example, he deferred to Senator Clinton Anderson (D-N.M.) as sponsor of the Medicare bill because he decided that Anderson, a more conservative figure and a member of the Finance Committee that handles such legislation, would improve the bill's prospects. Similarly, Humphrey intended to introduce a resolution this year calling for a commission, similar to the Hoover Commission, to study the effects of automation, but he deferred to Sen. Hart (D-Mich) who is running for reelection this year in a state where automation is a rising issue. Humphrey is always willing to help raise money or obtain favorable publicity for colleagues like Frank Moss (Utah) and Gale McGee (Wyoming) who face hard reelection fights.

If political conventions awarded nominations on the basis of gratitude or even recognition of proved ability, I would guess that Humphrey would win the nomination for Vice President by acclamation.

WILLIAM V. SHANNON

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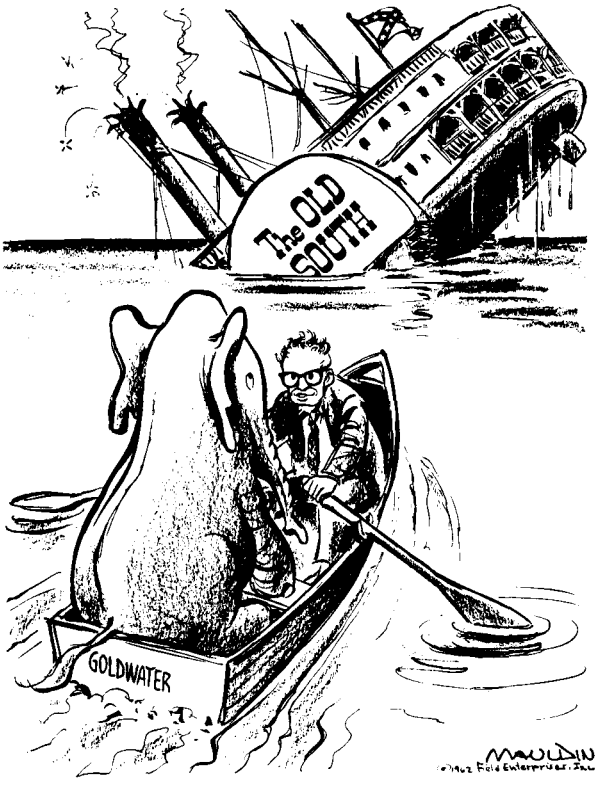
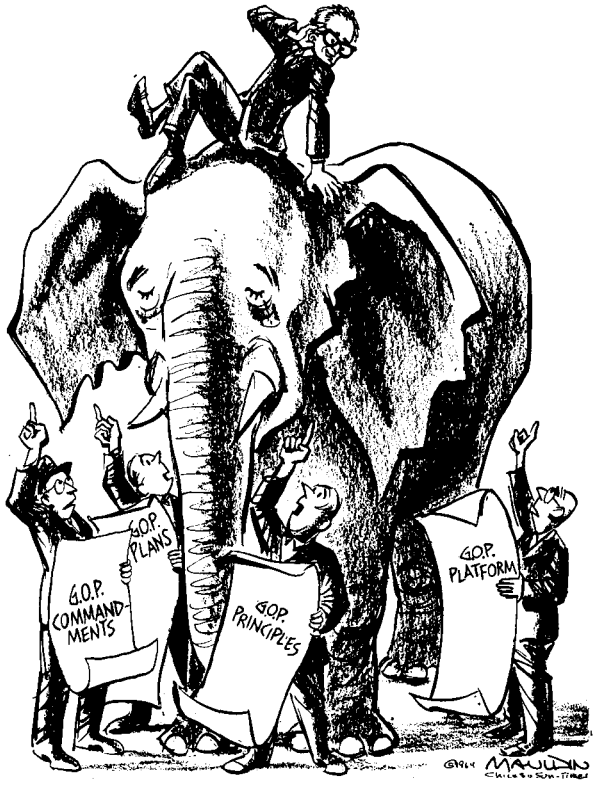
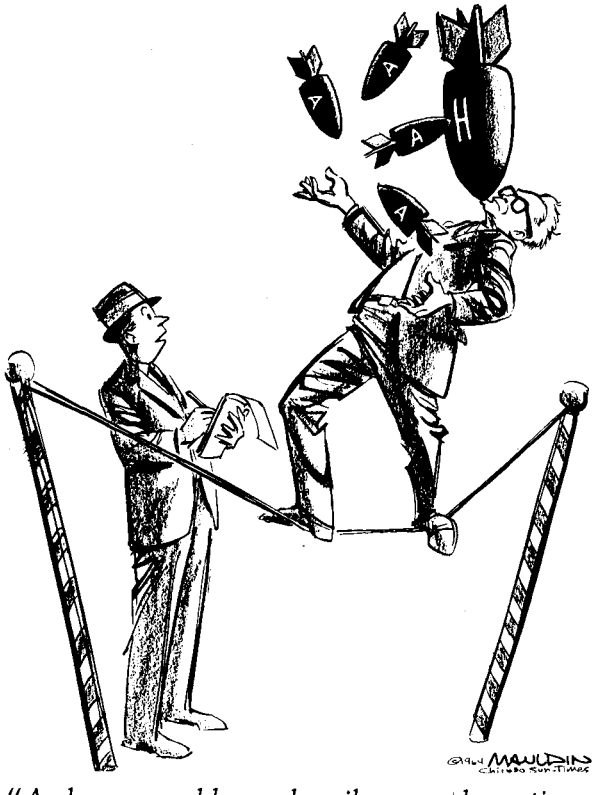
MAULDIN — *on Barry Goldwater*



"We can get aboard if we hurry."



"Eh? What's that? Speak up!"



"And now would you describe your domestic policy?"

"Is he leaning on it or holding it up?"

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FOREIGN REPORT

CONGO: *Still in Trouble*

★ The harassed government of the former Belgian Congo, a republic of over 900,000 square miles and with an estimated 20 million population, is currently trying to put down at least two armed rebellions, one in the west near Leopoldville and one in the east near Tanganyika. The tribal rebels fight with bows eight feet long and fire arrows with diamond-shaped tips that can sever a human head: the Chief of Staff of the Congolese Army, Colonel Ebeya, was fatally wounded by one. Eyewitnesses recently counted 91 rebel dead after two waves of naked guerrillas had fallen to the sub-machine guns of government troops equally stripped for action. The government has also been using Cuban pilots who were recruited in the US by the Central Intelligence Agency.

Belgium has unfrozen the Congo Republic's assets in Brussels, including almost a quarter of the shares of the vast mining complex, the *Union Minière*. Elisabethville, the capital of East Katanga, looks clean and peaceful and is once more the seat of Congolese high finance. The Belgians are grateful because the Congolese Prime Minister, Cyrille Adoula, did not nationalize the giant company, which once hired mercenaries to fight his government and also financed his chief political rival, Moise Tshombe, the former President of secessionist Katanga. Production is back to pre-independence levels, and the company's representatives in Elisabethville apparently see nothing incongruous about their current appeal that the United Nations continue to keep a military force in the Congo, although the company helped to buy the weapons and to hire the men for three major battles and countless harassing operations against the UN forces. Now both Premier Adoula and the company want law and order restored and the armed rebels put down; nevertheless, Adoula, who remains the Congo's best asset, does not trust the Belgians, and he is also well aware that Tshombe, in exile in Spain, still wants to make a comeback.

Tshombe has retained his ties with both the Belgians and the French, who regard Adoula as the Americans' black man in the Congo. It is perfectly true that the US is highly sympathetic to Adoula; the former NATO base, at Kamina in Katanga, may become the headquarters of an American military mission. Averell Harriman was asked, in Leopoldville, to ensure that US air transport would be available to ship in Nigerians and Tunisians, or other friendly African forces, at short notice, and was also asked to consider providing "reserve planes" at airports for isolated white technicians in the bush. Washington is sympathetic, though it has not dismissed the thought that the Congo's wounds might best be healed by including Tshombe, and perhaps the other exiled secessionist Kalonji, in a reconstructed Leopoldville government still headed by Adoula. But if only for tactical purposes, Tshombe may yet negotiate with Adoula's opposition, the left-wing Committee of National Liberation; he has thrown out hints that Antoine Gizenga, the Marxist who tried to make Stanleyville the capital of another seceding province of the Congo, ought now to be released. Gizenga is under house arrest on a river island, for commanding Congolese to fire on Congolese, two years ago.

The CNL is getting assistance and sanctuary from some other African countries, including Algeria, Egypt and Burundi, with whom Adoula has vaguely threatened to break off diplomatic relations. Adoula has other troubles as well. There are Belgian mercenaries and Katanga rebel soldiers still encamped in and around the towns of Teixera da Sousa and Vila Luso, in Portuguese Angola: they might try to reinvade the Congo following the withdrawal of the last of the remaining 4,000 UN troops. In the former French Congo, at Gambona north of Brazzaville and Leopoldville, guerrillas are reported to be in training with the idea of slipping across the Congo River in canoes and joining the armed rebels who are fighting in Kwilu, not too far from the Congo's capital. And, almost a thousand miles east, in Usumbura, more rebels are said to be receiving hospitality from Mwambutsa the Fourth, the king of Burundi. The king is motivated by revenge, and loyalty to the idea of monarchy. In the neighboring country of Rwanda the throne was toppled, thousands of the black nobility were massacred, and a republic was then set up which the West recognizes and supports. King Mwambutsa of Burundi therefore is anti-republican and anti-West: he has received a Chinese mission sent by Peking, which is said to be directing the activities of the rebels who are fighting in Kivu in the eastern Congo, as well as training those at present in Usumbura in guerrilla warfare.

The competence and integrity of Premier Cyrille Adoula may well be second to none among Africa's leaders. One achievement of a re-settled Congo would be that it would permit Adoula to play more of a role in Pan-African affairs. This in turn will depend on how many "brush-fires" break out at once for his army to handle, and whether he can continue to rule without a party.

The Adoula government in Leopoldville is getting large-scale technical as well as military aid from the United Nations and Western countries; there are 50,000 skilled white workers scattered across the vast country. But, with the two rebellions and with trouble breaking out once more in Stanleyville, the Congo remains a danger zone.

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Keeping the Poor in Their Place

Notes on the Importance of Being One-Up

by Adam Walinsky

No significant shade of political opinion, from I. F. Stone to *Time* magazine, can be found to oppose outright the war on poverty; the Great Society has thus far been received as an election-year counterpart of the Big Rock Candy Mountain. And yet most of us assume that Congress will not establish the giant public-works program for which Gunnar Myrdal calls. Nor will it lower the work-week to 30 hours, as Herbert Gans has suggested, nor follow the suggestion of the Ad Hoc Committee on the Triple Revolution and guarantee incomes to all regardless of the work they do. The reasons for Congressional reluctance are familiar; the poor are by definition without economic power; except for the Negroes, they are without effective leaders; they are only one-fifth of a nation, and the rest of the country is roughly satisfied with things as they are.

The liberals who argue that larger programs are necessary admit readily that the critical barrier is the apathetic or even hostile attitude of the middle-class majority – for present purposes, whites who are not poor – which has been victimized by "myths": that a balanced budget is desirable; that the government economy should be run like a household budget; that free enterprise is inherently superior to government activity; that big government is a bad thing; that tax cuts stimulate economic activity more than government spending; that expenditures result not in a bigger pie, but only a smaller slice for solid taxpayers. If the public is educated in the truth about economics, one hears, these "myths" will disappear.

But the interesting question about a myth is not whether people believe it, but why. Myths are not capricious inventions of story-tellers, but ways of organizing and rationalizing group-behavior patterns. They serve real needs; they are less affected by argument than by changes in the conditions to which they are responsive. Viewing these myths as a screen behind which tangible aims are pursued would require a second hypothesis: that the middle-class majority *does not want* to improve significantly the lot of the poor, or – a further step – that the middle-class actively desires to keep the poor where they are.

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In present-day America, the middle-class is defined largely by the fact that the poor exist. Doctors are middle-class, but so are bookkeepers; factory workers vacation with lawyers, drive bigger cars than teachers, live next door to store-owners, and send their children to school with the children of bank tellers. In a middle-class so diffuse, with almost no characteristic common to all, middle-class income, education, and housing are what the poor do not have. If the present poor should become middle-class, no meaning would remain to that phrase; either it would be a euphemism for the lower part of a bipartite division, or it would cease to apply to those who now boast of their "middle" status. The middle-class knows that the economists are right when they say that poverty can be eliminated if we only will it; they simply do not will it.

Such an explanation, of course, seems in direct conflict with American ideals of equality of opportunity and social justice – ideals on which the middle-classes themselves insist. But the creed of equal opportunity is a very complex thing. Opportunity to better oneself is usually regarded as self-explanatory, a recognition of the basic human right to fully utilize one's talents and labor. And in part it is recognized as a refusal to admit that others are better than oneself, or (a variant of the last) that others' children are better than one's own. But it has other facets. Virtually everyone who has reached his final life-station must and does believe and say that choice, or more commonly "the breaks," or "the system," prevented him from rising higher. But this same man must and does believe and say that his own abilities are primarily responsible for how far he has risen above others. People above oneself are regarded as no better than equal; people below oneself are regarded as inferior.

It is of course necessary to tinker with the system occasionally. Not only is reform commanded by the ethic; but as long as they pose no threat of basic change, improvements in the opportunity-structure at once reaffirm the existence of the depressed who need help, and serve as further "proof" that their inferior position is the result of inherent inferiority. But since people will not and cannot admit to themselves that the inferior position of others is entirely, or even

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primarily, caused by an inherently unequal system, they do not support measures that could possibly eliminate all or even most of the inequalities. The result is tokenism.

I suspect that the tension between adherence to democratic ideals and a natural desire to preserve one's relative gains by denying them to others has been heightened by a general loss of middle-class security. One possible reason for such a loss of security is enlargement in the size of the middle-class itself; by the social and economic elevation of production and service workers; by the slackening of immigration, which has produced an America 95 percent native-born and thus eliminated much "native" prestige; by the spread of education, high-school and now college; by the general availability of inexpensive goods (especially clothing) virtually identical to those used by the well-to-do. For the old middle-class, this has meant a dilution of status, which they have attempted to recapture by shifting the criteria of middle-class membership from income ("mere money") to sophistication of various sorts – education, community service, culture. For the new middle-class, the gain in status is precarious; they attempt to reinforce it by appropriating the symbols of the old middle-class, especially suburban housing and education for the children. For both old and new middle-classes, the problem of preserving status becomes more acute in direct proportion to the technical ease with which poverty can be eliminated from the country.

"Variety of Dingbats"

But the central factor in the loss of security is a general decline in the significance of work. Observers have noted this loss in many different places: among the unemployed and under-employed; among factory hands whose labor is ever more routinized and uncertain; among paper-work employees of great corporations whose only function is the creation of artificial differences between what Pegler called "an ingenious variety of dingbats for the immature"; among craftsmen whose only means of delaying obsolesence is in Luddite strikes, and who are reminded of their uselessness at every well-publicized contract negotiation. Indeed, the meaninglessness of work has become one of the dominant themes of popular culture. But any decline thus far observed in the importance of work is but the start of a potential tobbogan-run. The impact of automation on the assembly-line is increasingly clear. But white-collar workers are also being replaced by machines; and Donald N. Michael predicts that middle management, whose relatively unsophisticated job is being brought within computer capabilities, is the next threatened class. If present trends in the automation of factory and office continue, there will be fewer jobs, and most of them will be routine.

Understanding the full import of that development requires recognition of the function work has performed in the past. Work everywhere serves the obvious function of enabling men to eat and survive. But work in America has also been the primary source of status in the society. Men have marked out their relation to others through work. The rewards of the society – income, women, power, respect – have gone to men roughly in proportion to their market utility. (Divergences – such as great inherited wealth – have been remarkable chiefly for their tendency to gravitate toward the norm – as in the upper classes' compulsion to enter and subsidize public affairs.) But work has been the organizing principle of American society in more than an economic sense; it has in large part displaced and substituted for ancestry, social class, tradition, and family as bench-marks for men's knowledge of self and their relation to others. Reliance on work as the primary social ethic has been intimately bound up with the growth of a democratic, egalitarian society. For work is alone among our status-givers in its diversity and attendant uniqueness. No man can master all occupations; indeed, few can master more than one. No matter how brilliant a professor may be, he must still call the plumber when his water-pipes freeze, or a mechanic when his car's transmission slips, a butcher when he wants meat and a laborer when he wants a drain dug. In a diversified economy, so long as a man has a trade or skill, he has something for which people in the community must turn to him – some claim of importance which is recognized by others. It is not even necessary that the job be itself intrinsically difficult to learn or perform, so long as it is important to other people and would not be done except for the labor of those doing it; thus Michael Harrington reports a striking pride of *metier* among many migrant fruit-pickers in California. It is the status conferred by work that allows people to live in reasonable contentment with themselves and others.

The alienation of factory operatives from their work is a story as old as the assembly-line. But technological development continues the spiral. Automation removes workers from direct contact with the line, and most from the factory itself; fewer workers remain to do more highly-skilled jobs. "Service industries" are to take up the employment slack of automation, in theory, but repairmen, for instance, are little more than sales-clerks for replacement parts; consumer goods are built to be sold cheaply and discarded, not repaired when they fail. Printed electrical circuits for example are not, like their more expensive wired predecessors, repairable by the normal electrician. Other "service" workers – domestics, waiters, sales clerks,

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hospital orderlies – are menials easily replaced by anyone from the growing refuse-heap of the society.

But if work loses its diversity, and hence its importance, for a significant proportion of the society, we lose our only means for apportioning status on a roughly equal basis. Other status-givers can confer meaningful prestige only on those who have *more* than others.

Significance of Housing

The consequences of a decline in the prime importance of work are easily deduced. One is a rise in the status-importance of consumption, and of all consumption expenditures, housing has the greatest personal and financial importance; the one-family house with a plot of ground has always been the ideal American home. Its possession and quality have always been marks of social status. By excluding groups of people, communities have appropriated for themselves a mark of class superiority. In Washington, D. C., as in many other cities, houses in communities which exclude Jews (or Negroes) bring higher prices than equivalent houses in otherwise equal areas; the monetary value of such small differences in neighborhood quality should alert us to the fact that housing status is essentially predicated on success in excluding social "inferiors." The use of housing as a symbol of superior status has been increasing. Income-segregation, abetted by public-housing projects in which no member of the middle-class will live, is well underway. Trends reported by the New York Metropolitan Region Study are being duplicated elsewhere: luxury apartments will soon house most older people who can afford them; the exodus of white couples with children from the large cities will continue, indeed will probably accelerate as fewer remain. Fair-housing ordinances will be passed in some cities, perhaps even some states; but the trend will in general be toward maintenance of racial segregation. (Surely it is significant that California will probably repeal this year, by popular referendum, its established fair-housing law, and that cities like Seattle and Berkeley have voted down fair-housing ordinances.) In the Philadelphia suburb of Foxcroft, a few months ago, residents rioted for weeks to prevent a Negro family from moving in; there is no reason to think that community unique.

Education is a second major heir to the status-giving function once dominated by work. The late ebbing of the Sputnik mentality is due only in part to our missile successes. In larger part, it is a way of raising a new standard of status – "liberal" education pursued for its own sake, which is particularly appropriate as a means of preserving present status-boundaries. First, it is an over-expensive luxury for the lower classes. Thus, Dr. Conant suggests that education for the poor should be vocational training suited to the jobs they can "reasonably" expect to get; a liberal education cannot be cheapened by too-wide distribution. Moreover, stressing the importance of liberal education insures the future position of the present middle class; its children will, by definition, score better on the class-biased tests which are used to determine their eligibility for such education. Lastly, the poor sense the futility of education in an economy where work (especially the kind for which they are trained) is declining, and shun and deprecate it; this phenomenon in turn serves as proof that opportunity is there, but is not taken advantage of by the poor.

A third critical status factor is income, which is important both in itself and as it affects access to other status-givers. In itself, income has been closely connected with work, often measuring the social worth of the work done; when inherited, it also reflects social class. But as work loses significance, income becomes most important as a determinant of consumption and education. To preserve status in these areas, income differentials will probably be preserved – as by making the tax structure more regressive, and keeping doles well below minimum wage levels. People whose work is meaningless except as it allows them, by earning money, to differentiate themselves from the poor will continue to oppose large-scale employment projects. Instead, they will support transfer payments at a level too low to allow the recipients to compete for status in housing or education.

Two recent proposals, usually thought of as diametric opposites – the President's Poverty program and the Report of the Ad Hoc Committee on the Triple Revolution – are examples of programs which lend themselves to reinforcement of the social hierarchy.

The Kennedy-Johnson program does some excellent things. It attempts to train workers for jobs; to establish community service programs for unoccupied youth; and to subsidize employment by special loans to municipalities and private employers. It directly will affect about half-a-million people. Christopher Jencks has stated its essential premise in these pages. The problems of poverty, he noted, will be solved by remedying imperfections in the opportunity-structure – education and jobs (with a side glance at motivation); the measures so far advanced, at any rate, are directed at these imperfections. A rationale advanced for the program's present modest size is that the tax cut will provide more jobs for the economy as a whole; some suggest the program will reach its full growth only after arms expenditures are cut as a result of lowered world tensions. It appears from his recent statements that the President plans to expand the government's domestic activities considerably; a program of rebuild-

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ing all our cities and countryside would itself be a major step toward the poverty war's expressed goals.

But if my earlier speculations are correct, expansion of the poverty war, or any government activity which tends to lessen class distinctions, will encounter resistance which increases in direct proportion to its size and probable effectiveness. Indeed, I would argue that the program thus far advanced has been received quietly because its fundamentally middle-class principles can be used by the middle class to prevent more significant action. Thus its concentration on opening up the opportunity structure could be used to justify inaction on government employment programs tailored to large numbers of the un- and under-employed. Similarly, the emphasis on job training could be used to justify class segregation in education *a la* Dr. Conant and reliance for job expansion on the tax cut could justify regressive taxation as an economic policy to aid the poor.

Guaranteed Incomes

But for all the long-range political dangers of the poverty program's initial direction, it is on far firmer ground than that of the Ad Hoc Committee on the Triple Revolution. Starting from the premise that further increases in worker productivity will make a scarcity-based economy irrelevant, the Ad Hoc Committee sees the vital function of the economy shifted from production to consumption. If machines can produce everything that is within our capacity to consume, and work is available to only a small fraction of the society, then consumption should be separated from labor; manifestly, it is as pointless to deny the products of the automatic machines to those without work as it would be to deny them air or sunlight. Income, therefore, should be guaranteed and paid by the government, regardless of work done in exchange.

In fact, this report is more a projection of the economy in fifty years' time than it is a blueprint for today; in this respect, it is an admirable effort at advanced social planning. But its advanced liberal tone should not blind us to its danger. Of all the devices that have been invented to keep the status-poor in their place, putting them on a dole is by far the most effective. The size of the dole can be controlled so as to keep them always in comparative poverty, and thus unable to compete for higher status in the society; indeed, the fact of being on the dole itself leads to lessened aspiration and pride. Most of the present unemployed continue to covet work because the society's ethic commands it; to make the dole legitimate is to significantly lessen the pressure for reform from below.

The dole, of course, would be extended gradually, in the form of increasing present welfare payments and extending their coverage. The gradual change would start with the present poor; and since the middle-class would still have jobs when the dole was extended, a substantial differentiation would be maintained between dole-income and prevailing middle-class wage rates. This differential would then serve as a method for preserving housing and educational segregation and quality differentials. As more of the middle-class lose traditional work, however, they would not slip onto the dole and into the ranks of the status-poor. Instead in all probability, they would become social-service workers of an advanced sort –tending, of course, to the needs of the poor. Or they might find large-scale employment overseas, as in a "Management Corps" to aid administration in the poor nations. Means will be found to preserve their status *vis-a-vis* the poor simply because the middle-class is larger and has higher cards.

These developments are not inevitable; they can, and should, be arrested and reversed. But the programs so far suggested, even the most radical, treat symptoms – the poor – and not the illness, which is a loss of meaningful work for most of the society. So long as they treat symptoms, are directed primarily at poverty, they will be restricted by the majority to glorified pilot projects; the existence of these limited projects will salve the conscience and the egos of the middle-class.

It cannot be said too often that we are faced with a problem of time, that the resistance of the middle-class to change will increase as their own assurance decreases and the lower classes (particularly Negroes) assert themselves more strongly. But neither can it be stressed too much that to castigate the middle-class for their resistance to change is both useless and irresponsible. That resistance is based on sound fears that an effective drive on poverty will narrow status-differentials between them and the present poor. Those who criticize middle-class ignorance usually do so from privileged sanctuaries: a Harvard education, a house in an all-white suburb, and a firm position in the academic-political-foundation hierarchy guarantee status which will not be jeopardized no matter what improvement is made in the lot of the poor. But the increasingly useless middle-class is being asked to surrender its claims to any superiority of status; even where jobs are insecure and meaningless, simply having one gives status superior to those who cannot support their families without public assistance. The middle class sense this perfectly, and no amount of talk about side effects on consumption and employment will convince them otherwise. A serious program must offer the middle class a new life style in return for the raise in status it would give to the poor; it must deal not only (or even primarily) with pockets of economic poverty, but with the poverty of satisfaction, purpose, and dignity that afflicts us all.

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Lonely White Man

by Irving Howe

There is a minority tradition in the South of lonely white men who, from a despairing sense of decency or perhaps some memories of Christianity, have spoken out against the racist mania of their homeland. Usually they have been strongly devoted to the region, suspicious of the social climate in the North, quick to display impatience with doctrinal liberalism, and tormented by ambivalence in their feelings toward Negroes. It is in this tradition that James Silver, for the past 28 years a teacher of history at the University of Mississippi, has lived and worked.

The Closed Society
by James Silver
(Harcourt, Brace & World; $4.75)

To a small minority of students Silver has been a true professor: the man who opened their minds to intellectual possibilities beyond the hedges of provincialism. To the White Muslim society of Mississippi he has been a steady nuisance: the man it would most love to fire, were it not afraid that Ole Miss would thereby lose its accreditation. The impression one gets of Silver from reading his book is not that of a romantic rebel or a reckless iconoclast. He seems tough, empiric, hard-headed; he has spoken out and taken chances because his experience has driven him to the conviction that silence would be humiliating. Courageous professors have not been so numerous in America these past two decades. James Silver makes one feel a little prouder at belonging to the profession.

The first part of his book, written with inside knowledge and compressed anger, is a fine political pamphlet, mixing social description, analysis and philippic. As Silver describes it, the "closed society" is a system of caste domination resting upon legal authority and unsanctioned power, the state administration and the white social structure. Now all governments are subject to pressures from contending classes and groups; but what is distinctive about Mississippi is the virtual absence of those intermediary institutions which elsewhere stand between the private citizen and the looming state, and the extent to which the one-party state government openly serves as an agency of the dominant white caste, with little, if any, pretense to represent a common welfare.

The end of this system is to preserve an unchallenged ideology; the means include a network of economic pressure and social informing, as well as the cultivation of a piety toward ancestral myths that once was authentic but now becomes more and more expedient. Power is naked; disagreement, costly. Thought control and ostracism work against the few deviant whites; custom, ignorance and the threat of terror, against the Negroes. Mississippi is perhaps the only state with a population of "exiles" spread throughout the country, not people who have moved away in the normal course of their lives, but mavericks, intellectuals and Christian ministers who have found it impossible to survive in the airlessness of the "closed society."

One cannot quite speak of totalitarianism, since the "closed society" is not entirely closed. Private silence is sometimes possible (though less so since the Citizens Council began ringing doorbells); occasional editors like Hazel Brannon Smith can break through the pall of unanimity (though they quickly lose their advertisers); dissenting periodicals can be had from "abroad." But neither can one speak of democracy in Mississippi. What Silver describes is a tyranny of the majority, a majority confirmed in its sense of necessity (perhaps more than its sense of righteousness). And at the psychic bottom of this "cesspool of sanctity," as one Mississippian has called it, is the fact that for the bulk of the whites the ultimate is an explicit belief in the inhumanity of the Negroes, the ineradicable and perhaps sanctified inferiority of all men with black skins. Everything else is decoration.

One result is an appalling amount of intellectual self-deception. Official Mississippi doctrine exalts states rights, but neglects to notice, as Silver writes, that "in the 1850's, Mississippi Democrats, with their friends in control in Washington, demanded that the power of the federal government be used to destroy local self-determination in the territories and to thwart nullification of the national fugitive slave law by northern states." The official doctrine celebrates private and local initiative, yet "in 1959-61 . . . per capita payment to the United States from Mississippi was $218 as compared with $327 going from the federal government to the state. Of every thousand dollars in Mississippi income, $286 came from the federal government."

Silver keeps piling on the evidence. The Citizens Council, at least as powerful in Mississippi as the Communist Party in Poland, lists as subversive organizations the American Red Cross, the Federal Bureau of Investigation, the Methodist Church, the Jewish War Veterans, the YWCA. A clergyman, Mr. Alvin Kershaw, is invited to speak for Religious Emphasis Week at Ole Miss and then turned away when word leaks out that he once contributed a few dollars to the NAACP. A Mississippi judge speaking in Connecticut for his state's "Sovereignty Commission," says in reply to a question that he doubts that the lynchers of Mack Parker (a Negro) would ever be apprehended – and besides, he adds, "three of them are dead already." The roof of the drugstore owned by Aaron Henry, head of the Mississippi NAACP, is ripped open by an explosion, and the local sheriff finds that the blast "was caused by a bolt of lightning." (A fearless man, Henry writes, marvellously, after the explosion: "I am not really

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sure as to the case. The hole on top of the roof is much smaller that the rupture in the ceiling. The experts I have talked with contend that lightning does not act that way.") And at Ole Miss itself a mimeographed student newspaper, *The Rebel Underground,* writes: "We understand that Thirty Pieces of Silver who enjoys sipping tea with cannibals at home in the afternoon also likes to discuss the Fall of Rome over the telephone after two a.m. with any interested Rebs who care to call: 234-3206."

Still, a few dissenters speak. For 16 years Rabbi Charles Mantinband of Hattiesburg challenges the closed society; for some time his isolated and fearful congregation stands by him, despite Citizens Council threats; but in 1963 he has to move to Texas. Dr. W. B. Selah, for 18 years pastor of the largest Methodist congregation in the state, resigns in public protest when five Negroes are refused admission to his church. An English instructor at Ole Miss writes to his local newspaper after the murder of Medgar Evers: "Here was a man who knew precisely how much he was risking and why, and who had the courage and ultimate intelligence to do so; and I witnessing his conduct . . . have felt myself grow a dimension in aspiration and resolution. . . ." There are others, few and harassed, and powerless unless they learn, or find the strength to act upon their knowledge, that until they act in concert with the Negroes they are doomed to ineffectuality.

The second part of *The Closed Society* is, if anything, still more notable than the first. It consists of a series of letters Professor Silver wrote to his children, friends and a few newspapers during the months of the Meredith crisis in 1962-63. With modesty and a dry humor, Silver describes these harrowing months, the shameless contention of Ole Miss officials before a US District Court that "the University is not a racially segregated institution," the inner qualms and confusions he experienced before meeting Meredith socially, the way Meredith talked as if he had come straight out of a Faulkner novel ("He really wants to get rid of the marshals and the Army because, he says, it is the duty of the state to protect him or at least to admit that it

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cannot if it won't. I think he is willing to risk his life to prove his point about state rights. I told him, in my usual subtle way, that he is a damned fool. But he is not a fool."

Perhaps the most moving thing in this book is Silver's description of the embarrassment at an evening when he and a few other faculty members had dinner with Meredith. How heartbreaking that good, intelligent and courageous men can still be so caught up in the collective pathology as to find this a difficult experience! Still, that is the truth of the matter, and one honors Silver for not trying to shield himself.

Reading *The Closed Society* I found myself thinking back to the later novels of William Faulkner, those aborted efforts to come to grips with contemporary experience. In several books, beginning with *Intruder in the Dust* and ending with *The Mansion*, Faulkner approached the world of the present, and seldom with the authority that he could imagine the world of the past. What he could not control as a novelist, perhaps because he could not bear as a man, was the Mississippi of our time. *The Closed Society* shows why.

The Gideon Case

by Herbert L. Packer •

Writing about the Supreme Court for a non-legal audience has become a popular enterprise: in principle a welcome development, given the importance and the obscurity of the judicial institution in our governmental scheme. In practice, the principle has fared poorly; most popular books about the Court and its work are a bore, and worse. There is, for example, the rash of box score books, which make the Court's work sound like an evening with the high school debate team: *resolved*, security is more important than liberty. And there is the equally tiresome judicial biography (the annotated anthology: *Selected Gems of Mr. Justice Whozis*) in which the hero as Matt Dillon, with the aid of a few trusty deputies, saves the Constitution from the bad guys. Aside from their general dreariness, these *genres* deceive, by obscuring the special quality of the Court's role as an institution of government. The Court settles general propositions, true, but only by deciding concrete cases, whose unique features shape the nascent doctrine at the moment of its birth and as it continues to grow. It governs, or at least is seen to govern, by reason rather than by fiat. These special and subtle features of the judicial institution are blurred by books that treat the Court as if it were a pocket-sized parliament.

Gideon's Trumpet
by Anthony Lewis
(Random House; $4.95)

These flaws are avoided by Mr. Anthony Lewis in a book that admirably catches the style of the Court. Mr. Lewis shows us the Supreme Court by telling, with artful simplicity, the story of one of its cases, *Gideon* v. *Wainwright*, in which the Court, overruling its 1942 decision in *Betts* v. *Brady*, held that the Fourteenth Amendment requires the states to supply a lawyer to any person accused of a serious crime who is financially unable to hire his own. The Court thereby abandoned the case-by-case approach that left the states free, in non-capital cases, to withhold counsel when no "special circumstances" – youth, illiteracy, mental deficiency, complexity of the case – demonstrated that a given defendant could not get a fair trial without a lawyer. In fact, the Court never failed to find "special circumstances" in any right-to-counsel case that came before it after 1950. But in theory, the states were free of any generalized requirement, and most of them failed to make adequate provision for affording counsel to criminal defendants. *Gideon* changed all that; the states have been told to revise their criminal processes on a scale whose implications we are just beginning to understand. The decision is thus one of the most far-reaching that the Court has handed down in recent years.

Gideon's case is one to stir the imagination – this ignorant, wretched man who, from the day of his trial in a

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Florida state court for a burglary that he may or may not have committed stubbornly and (as the law then was) wrongheadedly but (as it turned out) presciently maintained that "the United States Supreme Court says I am entitled to be represented by counsel." Mr. Lewis consistently holds our attention as he narrates Gideon's case, from the arrival in the Clerk's office of his handwritten petition for a hearing by the Court to his acquittal by a Florida jury after the retrial *with* the aid of counsel ordered by the Supreme Court. This constantly absorbing narrative furnishes the setting in which Mr. Lewis, who is the Supreme Court correspondent of *The New York Times*, examines the role of the Court and lucidly explains its daily operations. Shuttling dexterously between the generality of the Court's work and the particulars of Gideon's case, the author provides solid information about the discretionary jurisdiction of the Court, its institutional work-habits, the philosophic cleavages among the Justices, the controversy over the application of Bill of Rights guarantees to the states, and the short but complex history of Supreme Court review of state criminal processes. He also manages to summarize in one short chapter the essence of current legislative moves to make a reality of the Supreme Court's promise of equal justice for all who are accused of crime. In so doing, and without laboring the point, Mr. Lewis suggests the extent to which the Court is dependent on the other branches of government and on the force of public opinion for the translation of the norms it lays down in a particular case into generally operative fact. He concludes with some useful reflections on the role of the Court, centering in the view that the unique power of the Supreme Court in our system "can only be justified, in the end, by the *process* it brings to bear on public problems."

The high point of the book, which establishes for me its superiority over other popular books on the Court, is the detailed description of the process by which Abe Fortas, whom the Court appointed to argue Gideon's case, with the help of his associates fashioned and refined the arguments with which he sought to induce a successful outcome. I know of no description of the advocate's art that equals this one. Mr. Lewis's account of this little-understood creative process is not only immensely readable but is an original contribution to writing about law that could well be emulated by more overtly academic students of the subject.

Gideon's Trumpet is, in the words of the jacket blurb, "the perfect primer for those . . . who would wish to understand the inner workings of our highest court." The artfulness of Mr. Lewis's choice of Gideon's case as his vehicle helped to ensure that this would be so. *Gideon* v. *Wainwright* affords a perfect first look at the Court precisely because the result of the case was a foregone conclusion from the moment that the Court granted certiorari and (in an unusual move) set as the question for argument: "Should this Court's holding in *Betts* v. *Brady* . . . be reconsidered?" As it turned out, the result was unanimous; although there was marginal disagreement about the rationale, none of the Justices could think of any reasons why the discredited "special circumstances" doctrine of *Betts* v. *Brady* should not be discarded. There was, very simply, nothing of substance to be said on the other side, as the account of Florida's argument makes clear. As a result, Mr. Lewis does not have to deviate from his description of the Court's work to consider how far the Court succeeds in justifying its power by bringing, as he puts it, a special "*process* to bear on public problems" that are less tractable than Gideon's. That, of course, would be another book. Perhaps some day Mr. Lewis will write it. With *Gideon's Trumpet* he has made an admirable contribution to public understanding of the Supreme Court.

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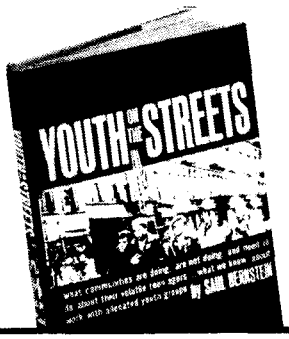

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The Computer Candidate

by Richard Scammon

The 480
by Eugene Burdick
(McGraw-Hill; $5)

The title of this new Burdick novel refers to 480 sub-groups into which the American people may be divided: Eastern Democratic male Protestant rural blue-collar workers, for example, or Border State Republican Negro professional women. The promise of *The 480* is that modern computer techniques, plus polls, plus simulation exercises will conquer the political world. Unfortunately – or perhaps fortunately – the promise doesn't come off.

Maybe the reason it doesn't come off is that *The 480* has a genuine hero male lead – a G. A. Henty type (if you remember back that far), or a James Bond (if you prefer a more modern rendering). In quick order our hero manages to bridge the differences between India and Pakistan (literally as well as figuratively) and beat down a Philippine Communist conspiracy single-handed. Projected by these events into the national limelight, he explains away a year in a mental institution (it seems he was homesick), reduces elderly GOP matrons to tears by his forthright honesty, safeguards his wife's personal and racial purity, and gets himself nominated for the Presidency.

The computer (with its 480 subgroups) shifts in and out of the story, but the fascination of this book lies in its unremitting hero-picture; computerized or no, *The 480* seems more a pean of praise for the hero-figure than an effort to stimulate simulation. If the computer were to come out the center of attention, it would have to be the instrument of a Casper Milquetoast rather than of a candidate who is a combination of John Glenn, Wendell Willkie, and Superman.

Political novels we have had in abundance, and the computer idea is beginning to get top billing. *Convention* had a computer analyzing delegates; *The 480* has a computer analyze preconvention voter attitudes and simulate what the American public might react to and do under various conditions. In both books we have a sense of the apprehension that many feel about the presumed de-personalization of politics – a fear that the computers might just come off their pedestals and go lurching down the corridor like some monster out of Rod Serling's "Twilight Zone." But it's hard to weave a story around computers. Neither Bailey and Knebel (in *Convention*) nor Burdick (in *The 480*) have done much more than embroider a person-oriented novel with a few well-placed computer fear-fantasies. This doesn't mean the stories are bad; it just means they aren't stories about computers or computerized candidates.

Computerization seems destined to be taking the place of the polls as a whipping-boy for writers, just as the polls a few years (or was it just weeks?) ago took over that role from Madison Avenue. But there is no more secret magic in computers than there was in pollings, no more "golden kazoo" business in electronics than there was in old-fashioned public relations. While *The 480* whistles its computer into the scene from time to time, it is only to pat the thing on its head and send it back to the kennel.

If *The 480* be seen as a political novel, then it must return to its character as a hero-story. And if the story is to be believed – and it need not be so to make an interesting yarn – its politics must be credible. If any hard-nosed political professionals read *The 480* they are likely to swallow once or twice. It's not that these things aren't possible, its just that they *all* happen to the hero – and they all turn out right. Such odds even a fixed computer would find it hard to justify. But perhaps one ought not to cavil too much over some of Mr. Burdick's casual, almost offhand assumptions about how American politics work. I suppose it is conceivable that the leading Republican *apparatchik* might actually be a man named Kelly.

Coming
Dreiser: a Reappraisal
by Irving Howe

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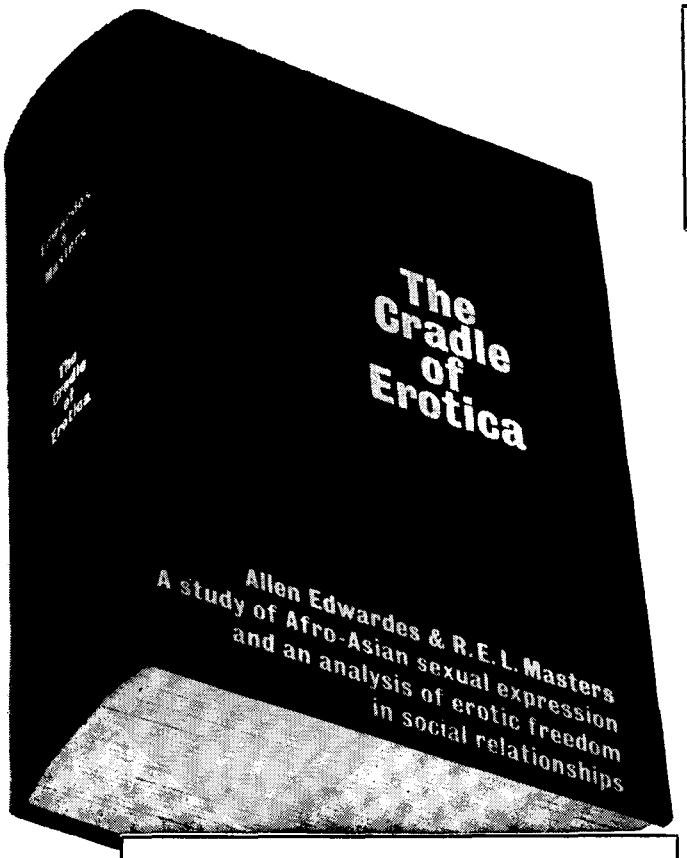
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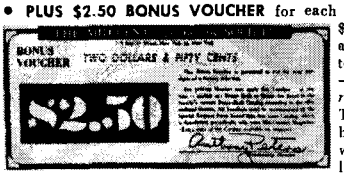

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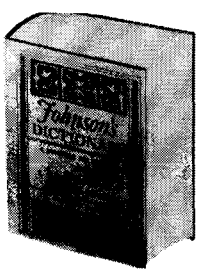

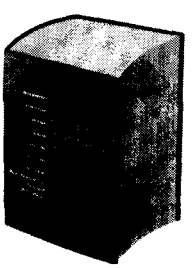

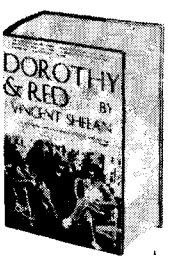

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ARCHITECTURE

It Isn't Fair to Rayburn

The third in the massive phalanx of marble office palaces for the House of Representatives along Independence Avenue, south of the Capitol in Washington, will not be completed until next January. Yet more scornful criticism and unflattering epithets have already been heaped on this building, named in honor of Sam Rayburn, than on any other recent work of architecture, Stalin's Palace of Culture in Warsaw not excluded.

There is little point, therefore, in straining for more witty *bon mots*. Nor, after climbing about the enormous structure in the obliging, if somewhat resigned company of James H. Banks, the second assistant Architect of the Capitol, do I find myself in the mood for flippant ridicule. I found it depressing.

The Sam Rayburn Building is depressing not only because its phony "classic" design is so utterly anachronistic. There are a good many regurgitations of past styles which, silly as they are, are far more pleasing than a good many self-consciously "modern" edifices. Nor am I excessively disturbed by the fact that this thing, sitting like an ancient fortification on a bulwark of granite, is so oppressively ugly. The new government office buildings along its approach aren't exactly lithe beauties either and Washington's splendid trees and the generosity of L'Enfant's baroque layout manage to absorb a multitude of architectural sins without spoiling the over-all effect too badly.

The dollar expense of this particular sin – a total of $94,100,000 including underground parking for 1,600 cars and a subway tunnel to the Capitol, an amount approaching the cost of the entire United Nations complex in New York in terms of today's building cost – is, of course, exorbitant, considering that all it buys are puny offices for 169 Congressmen and a handful of hearing rooms. But we live in an extravagant society and I, for one, do not begrudge our Congressmen the luxury of a swimming pool and gymnasium if these brace them for their uneasy duties. Most corporation vice-presidents are granted far more generous amenities at our ultimate expense to keep in good shape. And there are surely worse instances of wasteful bungling in our vast government.

No, the cause of my depression is that all these faults combine into such a monstrous architectural statement of defiant reaction which hitherto only totalitarian states have permitted themselves. This may be symptomatic of something far worse than the incompetence of the aging Architect of the Capitol, J. George Stewart, who is no architect but a former building contractor and Congressman, and of Harbeson, Hough, Livingston and Larson, a firm actually licensed to practice the art of architecture.

The architecture of the Sam Rayburn Building, as ordained by the House Office Building Commission, currently consisting of Speaker McCormack and Representatives Vinson and Auchincloss, was to be "of simplified classic design in conformance with other buildings on Capitol Hill." This is entirely reasonable. New buildings on Capitol Hill should enhance and harmonize with the Capitol itself. That magnificent structure, originally designed by William Thornton with the approval and actual participation of Thomas Jefferson, enlarged and altered by Benjamin H. Latrobe and Charles Bulfinch and finally crowned by Thomas U. Walter's breathtaking cast iron dome, is, of course, built in the idiom of classic antiquity.

Jefferson and the men of his time built in this idiom because it was the only architectural language they knew or could even conceive of. As the architectural historian James Marston Fitch has pointed out, neither social needs nor building techniques differed substantially from those of the ancient world. The post-and-lintel, the load bearing wall, the masonry arch and vault were as appropriate for Jefferson as they were for Vitruvius.

But with this idiom Jefferson and his architects expressed something entirely new, functional and "modern," if you will. As with the poetry of the Declaration of Independence, Jefferson sought, in his own words, "to place before the world the common sense of the subject, in terms so plain and firm as to command their assent and to justify ourselves in the independent stand we are compelled to take." Jefferson had nothing but contempt for the pomp and pretensions of the European palaces. At Monticello, the University of Virginia and the Capitol he used the classic idiom – column, pediments and all – for a new "expression of the American mind."

The office buildings Congress has built for itself have progressively departed from this Jeffersonian spirit. At the time they were built, beginning early in this century, new materials and techniques had come along and so had entirely new demands and conveniences. Yet for the sake of visual harmony these buildings rightly stuck by the classic idiom – to marble, to columns or some flattened suggestions of same, to pediments and, most of all, to symmetry. Yet the process of simplification and adaptation to new techniques, such as steel construction and to new conveniences, such as elevators, was not handled creatively. The classic spirit was lost and classic trimmings became mere pastiche. As building followed building, their pseudo-classicism became more perverse, massive, pompous and insipid.

The Sam Rayburn Building is the culmination of this perversion. Jefferson's classicism was that of enlightenment. The Rayburn Building's classicism is at best one of Roman imperialism. For the Roman emperors, too, used the art of the Greeks as a means to express brute, tasteless power.

The power of democracy, of course, should reside in its legislative halls, not in the building where the legislators park their cars, dictate their letters, make their telephone calls, swim, exercise and hold their hearings. The elegant Capitol still dominates its wooded hill, thank heavens. But look at that Rayburn Building – a mere office building! – as you approach its bulk from the west! There, facing a little park, its wings, adorned by huge semi-columns that support nothing and

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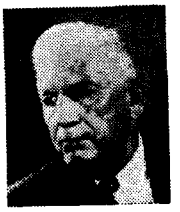

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a balcony that only Benito Mussolini and a horde of his black-shirts might put to use for their oratory, flank a huge terrace. The terrace is high up and leading to it are grand, ceremonial stairways, fit for an ancient Mesopotamian funeral procession. Yet, no trumpets will ever sound. No emperor dead or alive will ever enter this mausoleum up these steps and through this munificent entrance forecourt. There is no entrance here. The ground floor of this particular part of the H-shaped structure houses the cafeteria together with the snack bar.

On the two-block long Independence Avenue side of the building is another grand entrance complete with forecourt, pediment, columns and all. This is where most visitors will presumably come in. If they feel ceremonially inclined they might venture the steps. Chances are they will enter on the street level below and settle for an ordinary lobby. Yet the grand lobby is there and behind it, perhaps to relieve the 24 passenger elevators, is an interior, ceremonial staircase. The trouble is only that the two-story lobby and the grand staircase are separated by an enclosed corridor on the first floor which slashes the space, reduces the grand staircase to the spaciousness of an oversized fire escape and leaves poor Sam Rayburn's statue in a ridiculously misshapen shaft.

A third entrance at the eastern end, across from the second, or Longworth House Office Building, also has a forecourt and this one makes a little sense. You can drive into it and, since it is closest to their colleagues and other hearing rooms, Congressmen are apt to use it when they don't use their tunnel. But here we have only a low, cramped, businesslike lobby such as you find in any downtown office tower.

The façade between these imperial entrances and forecourts is essentially flat, bare and unrelieved by the rich play of shadows which make the Capitol and other truly classic buildings so enchanting. Our 720 by 450 feet monolith is really nothing but a white marble box, adorned here and there, without even a faint memory of structural logic, by those huge, misproportioned semi-columns which seem merely pasted on the veneer. The only other articulation consists of vertical window strips whose metal mullions are painfully disharmonious with the masonry.

This clash of modern components, which seem to have been indifferently picked out of the same building product catalogs from which cheap motels are assembled, with carved marble and classic moldings pervades the entire interior of the building. The homely, stainless steel elevator doors inside their lush marble frames, for instance, give you a visual shock. The painstaking egg-and-dart moldings around modern, luminous and acoustical plaster ceilings, complete with metal air distributors, are outright ludicrous.

There are corridors, corridors and more corridors, miles of them. Visitors will wander through this terrazzo-paved labyrinth and lose themselves forever. The circulation is bad despite the presence of all those elevators. Behind the huge doors along these spacious, endless hallways are the three-room suites for the members.

But there is nothing huge or spacious about them. All of a sudden austerity sets in. You enter into a small room which is divided from the small assistant's office by a frosted glass partition. The receptionist will tell you that, sorry, the Congressman isn't in, while you admire his silhouette behind the semi-transparent screen. His office is to one side and has a storage closet with an icebox and a private toilet. It also has a connecting door to the assistant's room but not to the general office, to the other side. That, being 10.5 by 23 feet, will be cramped, indeed, with five or more people in it.

Two Congressmen have already complained that they won't be able to go in there to talk to their secretaries without going through the reception room and running the risk of being waylaid by callers. But to remedy this with an additional door, they were told, would mean the sacrifice of a coat closet and some $16,000 to $20,000.

It would seem a small amount for a little more efficiency. But throughout this building spurious form has been sacrificed to function to the point where its functional purpose seems almost forgotten.

Architecture, it is said, reflects the spirit, if not of all society, at least of its clients. That this particular client, the House of Representatives of the United States, should have strayed so far from placing "before the world the common sense of the subject in terms so plain and firm as to command their assent" seems a bit frightening.

WOLF VON ECKARDT

FILMS

Caper-Cuttings

The Troublemaker (Janus)
Bedtime Story (Universal)

Prejudice, as Shaw pointed out, is a critical requisite. To be without special hope or special apprehension, when one approaches a new work by known people, is to deny experience and concern for one's field. I went to *The Troublemaker* with special hope. I was not specially disappointed; it was mildly good, which means I was mildly disappointed.

The reason for special hope was that the film was a project of *The Premise*, one of the brighter new satire-cabaret troupes in New York. Several of them play the leading roles. It was written by two of them, Buck Henry and Theodore J. Flicker, and was directed by Flicker. Janus Films, which has chiefly imported foreign films, many of them distinguished, produced the picture as a move towards stimulating low-budget, imaginative work in America. The result is generally pleasant, and it is occasionally funny.

The basic trouble is that the witty touches are stuck on an offhand commonplace story. A country cousin comes to New York, and, with the help of a college chum who is now a smoothie lawyer, he opens a coffee shop in the Village. The plot is about his meeting and dealing with various municipal grafts. One may guess that the theme was suggested by what *The*

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Premise troupe encountered when they opened their cabaret. If so, they have transmuted their experience, not into pungent angry satire, but into a series of recognizable skits reminiscent of Willie Howard, Joe Cook, Phil Silvers, and other top but no longer fresh bananas. For example, when the rube signs a lease with his crooked landlord, he pulls out a fat wad. The landlord immediately invents new costs, plucking bills off the wad. (They even honor Chaplin by lifting a gag from *Modern Times*, substituting a gang of neo-fascists for strikers tagging along behind the unwitting hero.)

There are continual *attempts* to be freshly funny, with some successes. Two lovers go on a picnic, seen close-up, with a surprise when the camera pulls back. In her bedroom, when the lovers unite, we cut to shots of stallions rearing, fireworks exploding, and other Bergman-Hitchcock symbols. Among the crooks there is a Negro fire inspector who, when he opens his mouth, emits a thick Irish brogue.

But, even when the material is good, the playing is generally that of likeable parlor entertainers, not skilled comedians. Tom Aldredge, the rube, has the least appeal and only crude capabilities. Joan Darling, the girl, is without distinction. James Frawley does three incarnations of a mugg as any hefty amateur might. Flicker himself plays a Teutonic crime commissioner as he has directed the film: with some wit but with a higher opinion of it than is, in proof, justified.

Two exceptions in the cast are Adelaide Klein, whose one scene as a psychiatrist, is excellently nutty; and Buck Henry, the lawyer, whose probable lifetime curse is that, in looks and manner, he resembles Jack Lemmon. But to effect that resemblance requires true comic energy and precision, which Henry has.

In connection with a television program about films, I have seen dozens of short undergraduate pictures in the past year or so, many of which were satires. *The Troublemaker* is far more finished in technique than most of them and has a more consistently sustained breeziness, but it shares with them an assumption that merely by attempting irreverent humor, it achieves its aim and an audience of peers will recognize it. The movie-television comedian who labors along with manufactured gags and repetition of well-known characteristics is a bore; but if his material is usually stale, his methods are usually sharp. The amateur (and, in its anti-tired-professionalism, this is an amateur film) needs profusion of wit and impertinence to compensate for the fact that he cannot do his job as well as his enemy. Despite its bright air and the absence of downright tedium, *The Troublemaker* lacks that profusion.

At the other end of the spectrum, in impulse and manner, is *Bedtime Story*, the latest in the hard-breathing line of Hollywood screwball comedies. Their origin, aside from the profit motive, is either in the need to find a script for certain stars or in someone's presumably clever central situation. Both elements probably prevailed here. With *The Troublemaker* one feels that the authors enjoyed themselves so much that they forgot to worry about our amusement. With *Bedtime Story* one feels that Stanley Shapiro and Paul Henning applied themselves to the script like well-agented contract writers, with no-nonsense business methods to provide consumer satisfaction.

The irony is that the latter film makes us laugh more. Less wit but more apparatus and more skill are brought to bear; the rib-tickling, if mindless and clumsy, is incessant. A laborious opening establishes that two men are doing well with women in Europe: a GI in Germany and a phony prince on the Riviera. Eventually they join forces in the latter's Riviera hunting preserve, then they become rivals for an American heiress. Ralph Levi directs with a mailed fist, the Eastman Color is, as usual, inferior to Technicolor. David Niven is silken as the prince. Shirley Jones, the heiress, has shown talent, but has no chance to show it here. Marlon Brando is the GI. He gave a good comic performance in *The Teahouse of the August Moon* and has proved elsewhere that he has comic abilities. Here he mugs like one of the gang on a beach picnic, doing a moron act, a suffering-soul act, and so on, with some funny results – on the beach-picnic level. Perhaps it is too early to lose hope that Brando will fulfill his gifts and promise. Perhaps.

Side by side these two comedies dramatize the differences between main-line Hollywood and anti-Hollywood feeling. The latter is youthfully nonchalant; the former is the work of men with children to send to college and mortgages to meet. Obviously the ideal would be a combination of the spirit of one with the technique of the other, but – like many ideals in many fields – this is more of a balanced sentence than a rational prospect.

STANLEY KAUFFMANN

NOTES ON CONTRIBUTORS

Irving Howe's *newest book*, A World More Attractive, *was published by Horizon last winter.* Herbert L. Packer *is a professor of law at Stanford University.* Richard Scammon *is director of elections research at the Governmental Affairs Institute and author of* America Votes. Wolf Von Eckardt *and* Stanley Kauffmann *have both recently received travel grants from the Ford Foundation.*

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Shooting Irons

Sirs:

If TRB's remark on licensing firearms seemed surprising to your correspondent Neal Neamand, certainly his own comment (June 13) was even more startling – and inaccurate.

New York's "strict licensing system" applies to small arms only; no license is required for possession of rifles, machine-guns or 75mm howitzers (though firing the last might be a public nuisance). I am not aware that any state of the Union limits the possession of the larger firearms in any way – thanks to the persistent lobbying of the National Rifle Association.

The chatter about criminal elements is deliberately red herring, quite foreign to the point at issue, and I think the NRA and their friends are well aware of this. The alleged assassin of President Kennedy was not a "criminal," nor were the men who shot at Roosevelt and McKinley. They were emotionally disturbed persons, as are the people we read about in the papers almost every week who get a gun at the nearest sporting goods store and take a potshot at somebody against whom they have a real or fancied grudge – or the kids who get a rifle from a mail-order house and shoot up their parents.

Licensing would not solve this problem completely, any more than licensing motorists solves the problem of drunken driving, but at the least it would provide our overcrowded society with the *means* of assuring us that weapons are in the hands of moderately responsible adults.

Daniel Krupp Bradley
New York, N.Y.

The Great Bail Scandal

Sirs:

Mr. Ronald Goldfarb is to be commended on his thoughtful article in the June 6, 1964, edition of *The New Republic* on the problems inherent in our archaic bail procedures, "The Great Bail Scandal." These problems involve more than insuring that poverty is not a bar to equal justice. Also at stake is the viability of our adversary system which presumes the effective challenge of official decisions. Yet the indigent handicapped by pre-trial confinement is seldom able to develop his case as effectively as the individual at liberty who can obtain witnesses, evidence, and adequate counsel.

Respect for the law is equally important, but it too is undermined when financial resources determine the guilt or innocence of the accused. This engenders resentment for the law by the convicted and raises disturbing doubts in the minds of the public. In short, our bail procedures are in direct conflict with Learned Hand's mandate that we "shall not ration justice" and, if not corrected, will undermine our system of ordered liberty itself.

It was to correct the bail system in the federal courts that on May 14, 1964, I along with Senators Bayh, Williams (N. J.), Johnston, Douglas, Kennedy, Long (Mo.), Hruska, and Fong introduced three bills in the Senate:

S.3838 – No person shall be denied bail solely because of his financial inability to post bond, and will be released on his personal guarantee unless good cause is shown why the person should not be released.

S.2839 – Persons convicted of offenses will receive credit for pre-trial detention resulting from lack of bail.

S.2840 – Persons admitted to bail will be permitted to make a cash deposit with the court rather than having to utilize bondsmen.

It is my hope that these provisions will be enacted into law this session, and that similar proposals can be enacted on the state level.

Sam J. Ervin, Jr.
US Senator

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